

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
HUNTINGTON DIVISION**

RICHARD EDWARDS, JR.,

Plaintiff,

v.

**CASE NO. 3:16-cv-01879
Judge Robert C. Chambers**

**McELLIOTTS TRUCKING, LLC;
DANNY McGOWAN, individually and as
an employee of McElliotts Trucking, LLC and/or
as agent of Cardinal Transport;
CARDINAL TRANSPORT, INC.;**

Defendants.

CARDINAL TRANSPORT, INC.'S NOTICE OF APPEAL

Notice is given that Cardinal Transport, Inc. ("Cardinal"), defendant, hereby appeals to the United States Court of Appeals for the Fourth Circuit from the final judgment entered on December 21, 2018 (ECF No. 275). The district court directed entry of final judgment as to the claims between Cardinal and the plaintiff Richard Edwards, Jr., under Rule 54(b) in its order entered December 11, 2018 (ECF No. 274).

In appealing from this final judgment (ECF No. 275), Cardinal also appeals all earlier adverse interlocutory orders and rulings antecedent to the final judgment, including but not limited to:

- i. The Memorandum Opinion and Order entered August 2, 2017, granting in part and denying in part Cardinal's motion for summary judgment and denying Cardinal's motion to strike (ECF No. 121);
- ii. The Memorandum Opinion and Order entered August 22, 2017, denying Cardinal's motion in limine (ECF No. 126);

- iii. The Memorandum Opinion and Order entered August 22, 2017, denying Cardinal's omnibus motion in limine (ECF No. 129);
- iv. The Memorandum Opinion and Order entered July 20, 2018, ruling on various pending motions (ECF No. 192);
- v. The Order entered August 7, 2018, ruling on various pretrial motions (ECF No. 213);
- vi. The initial Judgment Order accepting the jury verdict, (ECF No. 240); and
- vii. The Memorandum Opinion and Order entered December 11, 2018, ruling on post-trial motions (ECF No. 274).

CARDINAL TRANSPORT, INC.
By Counsel

/s/ Bradley J. Schmalzer

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CERTIFICATE OF SERVICE

I, Bradley J. Schmalzer, counsel for the defendant, do hereby certify that I served
CARDINAL TRANSPORT, INC.'S NOTICE OF APPEAL upon the following counsel of
record this 7th day of January 2019 via the CM/ECF system:

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/s/ Bradley J. Schmalzer

Bradley J. Schmalzer (WV Bar #11144)